

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CARL FRAZIER, JR.)	
Movant,)	
)	
v.)	No. 3:09-1001
)	(Crim. No. 3:03-cr-00191-1)
UNITED STATES OF AMERICA)	Judge Trauger
Respondent.)	

ORDER

On October 21, 2009, a motion (Docket Entry No. 1) under 28 U.S.C. § 2255 to vacate, set aside or correct sentence was filed by the movant. He also filed a motion (Docket Entry No. 2) to stay proceedings while he sought relief in the state courts.

Upon preliminary review of these pleadings, the Court determined that the movant had provided insufficient information in support of his motion for a stay of the proceedings. In addition, it appeared that the movant had procedurally defaulted his § 2255 claim for relief.

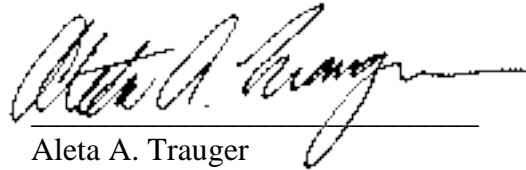
Accordingly, an order (Docket Entry No. 3) was entered granting the movant twenty (20) days in which to show cause why his motions to stay and for relief under 28 U.S.C. § 2255 should not be denied and this action dismissed.

The twenty day period has elapsed and the movant has not yet shown cause as he was instructed to do. In the show cause order, the movant was forewarned that, if he failed to show cause in a timely manner, his motions would be denied and this action would be dismissed.

Therefore, the motions to stay and for relief under 28 U.S.C. § 2255 are **DENIED**. This action is hereby **DISMISSED** for failure to comply and for want of prosecution. Should the movant

file an appeal of this order, such a filing shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c)(2), which will **NOT** issue.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge